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FM USEU BRUSSELS

TO RUEHC/SECSTATE WASHDC PRIORITY

INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS COLLECTIVE

RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY

RUEHGG/UN SECURITY COUNCIL COLLECTIVE PRIORITY

RUEATRS/DEPT OF TREASURY WASHDC PRIORITY

RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY

RHEFHLC/DEPT OF HOMELAND SECURITY WASHINGTON DC PRIORITY

RHEHNSC/NSC WASHDC PRIORITY

RUEAIIA/CIA WASHINGTON DC PRIORITY

RUEKJCS/DOD WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 BRUSSELS 001532

NOFORN

SIPDIS

STATE FOR ISN, T, EAP, P, EEB/ESC/TFS, L, EUR/ERA, INL
TREASURY FOR TFI,
EMBASSIES PARIS, LONDON AND BERLIN FOR SANCTIONS OFFICER

E.O. 12958: DECL: 11/16/2019

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KN, XE

SUBJECT: DPRK DEMARCHE DELIVERY TO EU COUNCIL SECRETARIAT

REF: A. SECSTATE 115240

[¶](#)B. BRUSSELS 1374

Classified By: PETER H. CHASE, ECON MINISTER-COUNSELOR FOR REASONS 1.4(b) AND (d).

[¶](#)1. (C//NF) SUMMARY: USEU discussed DPRK sanctions non-paper with the EU's Council Secretariat. Staffers welcomed non-paper but cautioned that EU Member States ("EUMS") were unlikely to take suggested actions immediately. EUMS are politically keen to differentiate their autonomous DPRK program from other international efforts, at least for their first round of sanctions designations, which will likely include 13 individuals and 4 entities. But the EU's DPRK program allows for frequent and flexible designation if necessary. Contacts expect that our respective programs will converge in the future, especially since the USG has identified subsidiaries of UN-designated entities. They recommend outreach to the incoming Spanish EU Presidency and the yet-to-be-named EU High Rep for Foreign Policy, who will have initiative on sanctions issues under the Lisbon Treaty, to coordinate implementation. END SUMMARY.

[¶](#)2. (C//NF) USEU discussed DPRK sanctions non-paper (REF A) with staff at the General Secretariat of the Council of the European Union on November 13. Interlocutors included Francesco Fini of the Directorate General for External and Politico-Military Affairs and Stefan Rab of the Asia Policy Unit.

[¶](#)3. (C//NF) Fini and Rab welcomed the USG non-paper but cautioned that EU Member States ("EUMS") were unlikely to take suggested actions immediately. This is partially for political reasons, since EUMS have agreed to pursue "autonomous" measures and want to be sure to differentiate their program from other international efforts. Fini and Rab also noted that only a few EUMS had visibly used the non-paper in preparation for the November 11th Asia Oceania ("COASI") Working Group's discussion on DPRK sanctions. (NOTE: This was likely due to timing, since the demarche arrived at posts for delivery on November 9. It would have been difficult for EUMS capitals to consider fully the USG non-paper and forward resultant instructions to Brussels in time for the meeting. END NOTE.)

[¶](#)4. (C//NF) EUMS have apparently reached consensus on a list of 13 individuals and 4 entities for the initial round of EU

designations. Fini and Rab will not be able to share that list before its publication, which should occur by the end of this month. They indicated that there would be significant differences between initial EU targets and those detailed in the USG non-paper, although Rab indicated that there was at least one target that would be the same. Fini and Rab also emphasized that there was considerable potential for convergence of our respective lists, especially where the U.S. had identified subsidiaries of UN-designated entities. They noted that U.S.-proposed targets were mostly new for many EUMS, who view the USG non-paper as a strong foundation for future EU discussions and actions.

¶15. (C//NF) USEU asked Fini and Rab when EUMS might consider additional DPRK proliferation-related targets for designation. Fini noted that the Council's Common Position 2009/573/CFSP, which implements UNSCR 1874, calls for review/renewal "at least every 12 months." But he pointed to a legal provision in the Common Position whereby designation lists may be updated without the need for a new amending Regulation and its associated legal and bureaucratic processes. Instead, any Council decision amending the Common Position to reflect new designations will automatically update the implementing Regulation accordingly. Zimbabwe is the only other EU sanctions context where such automaticity exists.

¶16. (C//NF) Fini gave several reasons for the delay in EU implementation of UNSCR 1874. Firstly, EUMS are now paying close attention to potential legal challenges to any and all sanctions that they impose. This has led them to create

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several distinct designation lists in the DPRK context, each based upon specific criteria and legal standards. (NOTE: A differentiated legal approach may consume more time, but it will also allow the EU to designate more easily those individuals sanctioned for a specific role that they play in a proliferation network. We have seen in the Iran context that, once a given position in an organizational chart is slotted for sanctions designation, the EU will target individuals occupying that functional role in the future without many complications. See REF B, Para 2. END NOTE.) Fini also underscored that Member State representatives in COASI had had little background on DPRK sanctions. He feels that they have learned much from the current EU process and should be well prepared to undertake future designations. Finally, Fini noted that Sweden had done little in its capacity as EU Presidency to drive serious discussion within COASI. He sees little point in engaging with them on DPRK issues moving forward.

¶17. (C//NF) USEU asked Fini and Rab to describe important diplomatic dynamics among EUMS. Fini stressed that the UK, France, and Germany were the most important players in the DPRK sanctions context. He also indicated that there was room to work cooperatively with the incoming Spanish EU Presidency, due to begin in January, potentially in the form of a U.S.-EU experts meeting to discuss implementation issues. Fini recommended outreach to the EU's future High Representative for Foreign Affairs and Security Policy, who will have initiative on sanctions issues under the Lisbon Treaty. He then wistfully suggested that a Secretariat-based Sanctions Unit to support the High Rep would strengthen implementation across the range of EU sanctions programs. Rab noted that some EUMS were reluctant to pursue sanctions designations while simultaneously offering the DPRK engagement via the Six Party Talks.

¶18. (C//NF) USEU welcomed the Council Secretariat's willingness to consider USG non-paper and to work collaboratively on DPRK sanctions. USEU and Council Secretariat agreed that USG non-paper should serve as a catalyst for longer-term communication between the United States and EUMS on the DPRK sanctions file.

MURRAY

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